

5. Environmental Analysis

5.5 CULTURAL RESOURCES

Cultural resources include places, objects, and settlements that reflect group or individual religious, archaeological, or architectural activities. Such resources provide information on scientific progress, environmental adaptations, group ideology, or other human advancements. Paleontological resources (i.e. fossils) are also considered cultural resources. This section of the Draft PEIR evaluates the potential for implementation of the Clovis General Plan and Development Code Update to impact cultural resources in the City of Clovis, its Sphere of Influence (SOI), and plan areas beyond the SOI. The analysis in this section is based, in part, upon the following information:

- *Cultural Resources Study in Support of the Clovis General Plan Update Environmental Impact Report, City of Clovis, Fresno County, California*, SWCA Environmental Consultants, December 2012

A complete copy of this study is included in the technical appendices to this Draft PEIR (Volume II, Appendix G).

5.5.1 Environmental Setting

5.5.1.1 STUDY METHODOLOGY

Cultural resource impacts are assessed by reviewing cultural resource record searches and by coordinating with Native American groups for a sacred land files (SLF) search and further consultation with tribes per Senate Bill (SB) 18. The results and recommendations of these assessments are discussed in this section of the Draft PEIR.

5.5.1.2 REGULATORY BACKGROUND

Federal, state, and local regulations, plans, or guidelines that are potentially applicable to the proposed project are summarized below.

Federal and State Regulations

National Historic Preservation Act

The National Historic Preservation Act of 1966 authorized the National Register of Historic Places and coordinates public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The National Register includes districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture.

Section 106 (Protection of Historic Properties) of the National Historic Preservation Act of 1966 (NHPA) requires federal agencies to take into account the effects of their undertakings on historic properties. Section 106 Review refers to the federal review process designed to ensure that historic properties are considered during federal project planning and implementation. The Advisory Council on Historic Preservation, an independent federal agency, administers the review process with assistance from State Historic Preservation Offices.

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Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites that are on federal and Native American lands.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA) is a federal law passed in 1990 that provides a process for museums and federal agencies to return certain Native American cultural items—such as human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants and culturally affiliated Native American tribes.

California Public Resources Code

Archaeological, paleontological, and historic sites are protected pursuant to a wide variety of state policies and regulations enumerated under the California Public Resources Code. In addition, cultural and paleontological resources are recognized as nonrenewable and therefore receive protection under the California Public Resources Code and CEQA.

- **California Public Resources Code 5020–5029.5** continued the former Historical Landmarks Advisory Committee as the State Historical Resources Commission. The commission oversees the administration of the California Register of Historical Resources and is responsible for the designation of State Historical Landmarks and Historical Points of Interest.
- **California Public Resources Code 5079–5079.65** defines the functions and duties of the Office of Historic Preservation (OHP). The OHP is responsible for the administration of federally and state-mandated historic preservation programs in California and the California Heritage Fund.
- **California Public Resources Code 5097.9–5097.991** provides protection to Native American historic and cultural resources and sacred sites, and identifies the powers and duties of the Native American Heritage Commission (NAHC). It also requires notification to descendants of discoveries of Native American human remains and provides for treatment and disposition of human remains and associated grave goods.

California Senate Bill 18

Existing law provides limited protection for Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places. These places may include sanctified cemeteries, religious and ceremonial sites, shrines, burial grounds, prehistoric ruins, archaeological or historic sites, Native American rock art inscriptions, or features of Native American historic, cultural, and sacred sites.

SB 18 was signed into law in September 2004 and went into effect on March 1, 2005. It places requirements upon local governments for developments within or near traditional tribal cultural places (TTCP). Per SB 18, local jurisdictions must provide opportunities for involvement of California Native Americans tribes in the land-planning process for the purpose of preserving TTCPs. The Final Tribal Guidelines recommends that the NAHC provide written information as soon as possible, but no later than 30 days after being notified, to inform the lead

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agency if the proposed project is near a TTCP, and recommends another 90 days for tribes to respond to a local government if they want to consult with that government to determine whether the project would have an adverse impact on the TTCP. There is no statutory limit on the consultation duration. Forty-five days before the action is publicly considered by the local government (i.e., the CEQA lead agency), the environmental document is forwarded to agencies for review, following the CEQA public review time frame. The CEQA public distribution list may include tribes listed by the NAHC who have requested consultation or it may not. If the NAHC, the tribe, and interested parties agree upon the mitigation measures necessary for the proposed project, it would be included in the project's EIR. If both the City of Clovis and the tribe agree that adequate mitigation or preservation measures cannot be taken, then neither party is obligated to take action.

SB 18 consultation is required when a city or county adopts, revises, amends, or updates its general plan. Though SB 18 does not specifically mention consultation or notice requirements for adoption or amendment of specific plans, the Final Tribal Guidelines advises that SB 18 requirements extend to specific plans as well, since state planning law requires local governments to use the same process for amendment or adoption of specific plans as general plans (defined in Government Code § 65453). In addition, SB 18 provides a new definition of TTCP requiring a traditional association of the site with Native American traditional beliefs, cultural practices, or ceremonies, or the site must be shown to actually have been used for activities related to traditional beliefs, cultural practices, or ceremonies. Previously, the site was defined to require only an association with traditional beliefs, practices, lifeways, and ceremonial activities. In addition, SB 18 amended California Civil Code Section 815.3 and adds California Native American tribes to the list of entities that can acquire and hold conservation easements for the purpose of protecting their cultural places.

5.5.1.3 EXISTING CONDITIONS

Local Historic Resources

Fresno County established the Fresno County List of Historic Places to inventory all historic and prehistoric sites and structures whether or not those sites are currently listed in any registry program. A commission advises the county board of supervisors on property/landmark preservation and designation; sees to the maintenance of the list of historic places in the county; advises the board of supervisors on properties that might be added to the local, state, and national registers of historic places; and coordinates with other agencies and organizations in the community as necessary to carry out the goal of historic preservation.

Natural Setting

The City of Clovis is in central Fresno County, approximately 6.5 miles northeast of the City of Fresno. As shown in Figure 3-1, *Regional Location*, the City is surrounded by portions of unincorporated Fresno County to the north, east, and south, and by the city of Fresno to the west and southwest. The Plan Area encompasses approximately 47,804 acres (75 square miles) and includes the City of Clovis incorporated boundaries (14,859 acres), its SOI (5,633 acres), and plan areas beyond the City and its SOI (27,313 acres).

The majority of the Plan Area is urbanized, with agricultural and rural and single-family residential land uses. Commercial and industrial uses make up the remaining land uses along the City's major corridors. Natural areas include grasslands, hillsides, and some riparian areas along streams and rivers.

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Prehistoric Cultural Setting

California prehistory is divided into three broad temporal periods that reflect similar cultural characteristics throughout the state: 1) the Paleoindian Period (ca. 9,000–6,000 BC); 2) the Archaic Period (6,000 BC–AD 500), and; 3) the Emergent Period (AD 500–Historic Contact). However, for this analysis, the prehistory of the San Joaquin Valley following the Paleoindian Period is characterized using the revised Central California Taxonomic System tripartite classification scheme, with Early (6,000–1,000 BC), Middle (1,000 BC–AD 1,000), and Late (AD 1,000–Historic Contact) Periods.

Archaeologically, the area in which the project lies is the San Joaquin Valley subregion of the Central Valley Archaeological Region. This archaeological subregion extends southward from the Sacramento–San Joaquin Delta into today’s Kern County and encompasses the southern half of the great Central Valley. The subregion includes most of Kings, Merced, and Stanislaus Counties, as well as the western portions of Fresno, Kern, Madera, and Tulare Counties.

Habitation of the Central Valley during the Prehistoric Period is estimated to have occurred as early as 12,000 years ago, but only a few archaeological sites have been identified that predate 5,000 years ago (the Paleoindian Period).

South of the Sacramento–San Joaquin Delta, the San Joaquin Valley is one of the least known archaeological areas within the state. The valley encompasses a large area, and the significant variation in the archaeological assemblages reflects influences from the Delta area as well as southern California.

Ethnographic Overview

The Plan Area lies at the intersection of where ethnographers generally recognize three cultural-geographical divisions of Yokuts: Foothills, Northern Valley, and Southern Valley. The Foothill Yokuts included about 15 named tribes, representing the eastern third of the 40 to 50 recorded Yokuts tribes. The tribes that were nearest the Plan Area were the Bokninuwad (or Hoeyneche) of the Upper Deer Creek area (near California Hot Springs) and the Yawdanchi of the North Fork Tule River (north of Springville). Each Foothill Yokuts tribe inhabited one or more village, each with its own chief, and occupied a home territory encompassing one or two drainage systems. Given their location on the western slope of the Sierras between 2,000 and 4,000 above sea level, it is not surprising that the Foothill Yokuts drew resources from the San Joaquin Valley to the west and the coniferous forests to the east. Their diet was notably omnivorous. Staples included deer, quail, and acorns, and supplemental foods included a wide variety of small mammals, berries, seeds, and fish.

Paleontological Setting

Paleontological sites show evidence of prehuman existence. The most important indicators of paleontological resources are based on the presence of known resources and the geologic sediments in the region. According to the 1993 Clovis General Plan EIR and the San Bernardino County Museum, the Plan Area is on recent alluvium, Pleistocene river and possibly lake sediments, and pre-Cretaceous meta-sedimentary rocks, and has either low or undetermined paleontological sensitivity.

Recent alluvium is a coarse-grained unconsolidated river wash, typically too young to contain any fossil resources. Thus, it is considered a formation of low paleontological sensitivity. Pre-Cretaceous meta-sedimentary rocks have

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the potential to contain fossils, but they would have been destroyed by present day. Therefore, it is also considered a formation of low sensitivity.

Lastly, Pleistocene river and lake sediments could potentially contain significant nonrenewable paleontological resources. Three sedimentary formations are exposed in the Plan Area: Modesto Formation (Upper Unit); Riverbank Formation (Middle Unit); and Turlock Lake Formation (Upper Unit). Modesto Formation (Upper Unit) is primarily composed of Sierran arkosic sand and gravel, preceding fine sand and silt near the lower San Joaquin River. Carbon dating determines the Modesto Formation to be 9,000 to 27,000 years old. Riverbank Formation (Middle Unit) is composed of yellowish-brown sandy loam. According to uranium dating, this unit is about 45,000 to 260,000 years old. A vertebrate fauna assigned to the Rancholabrean Land Mammal Age has been found in this unit. The Turlock Lake Formation (Upper Unit) contains stratified silt and fine sand, approximately 600,000 years old. Irvingtonian Land Mammal Age vertebrate fossils have been recovered in several locations in this unit. Thus, the 1993 General Plan EIR concludes that the Pleistocene river and lake sediments are considered an area of undetermined paleontological sensitivity and may contain undiscovered resources.

In addition to the fossils found in the units described above, large mammal bones were discovered in the Plan Area's river terraces dated to the Pleistocene epoch.

Historic Setting

Postcontact history for the state of California is generally divided into three periods: the Spanish Period (1769–1822), Mexican Period (1822–1848), and American Period (1848–present). The Spanish Period in California begins in 1769 with the establishment of a settlement at San Diego and the founding of Mission San Diego de Alcalá, the first of 21 missions constructed between 1769 and 1823. News of Mexico's independence from Spain reached California in 1822, which marks the beginning of the Mexican Period. The signing of the Treaty of Guadalupe Hidalgo in 1848, ending the Mexican-American War, signals the beginning of the American Period when California became a territory of the United States.

Spanish Period (1769 to 1822)

Spanish explorers made sailing expeditions along the coast of Southern California between the mid-1500s and mid-1700s. In search of the legendary Northwest Passage, Juan Rodríguez Cabrillo stopped at present-day San Diego Bay in 1542. However, more than 200 years passed before Spain began the colonization and inland exploration of Alta California. The 1769 overland expedition by Captain Gaspar de Portolá marks the beginning of California's Historic Period, occurring just after the King of Spain installed the Franciscan Order to direct religious and colonization matters in assigned territories of the Americas.

During this period, California consisted of two distinct regions, the coast and the interior. Nearly all of the Franciscan's efforts focused on the former due to its mild climate and convenient shipping routes, and the most inland mission was established 30 miles from the coast in Soledad. The earliest Spanish explorations of the interior region were made by Pedro Fages, a military commander who first entered the San Joaquin Valley in 1772.

A major emphasis during the Spanish Period in California was the construction of missions and associated presidios to integrate the Native American population into Christianity and communal enterprise. Incentives were

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also provided to bring settlers to pueblos or towns, but just three pueblos were established during the Spanish Period, only two of which were successful and remain as California cities (San José and Los Angeles).

Mexican Period (1822 to 1848)

After more than a decade of intermittent rebellion and warfare, New Spain (Mexico and the California territory) won independence from Spain in 1821. Extensive land grants were established in the interior during the Mexican period, in part to increase the population inland. The secularization of the missions following Mexico's independence from Spain resulted in the subdivision of former mission lands and establishment of many additional ranchos. However, little settlement of the Central Valley appears to have taken place during the Mexican Period. In 1846, Governor Pio Pico granted General José Castro the 48,000-acre Rancho Rio del San Joaquin, which encompassed roughly 1.25 miles on either side of the San Joaquin River from Millerton Lake to present-day Herndon.

American Period (1848 to Present)

War in 1846 between Mexico and the United States precipitated the Battle of Chino, a clash between resident Californios and Americans in the San Bernardino area. The Mexican-American War ended with the Treaty of Guadalupe Hidalgo in 1848, ushering in California's American Period.

California officially became a state with the Compromise of 1850, which also designated Utah and New Mexico (with present-day Arizona) as US Territories. Horticulture and livestock, based primarily on cattle as the currency and staple of the rancho system, continued to dominate the Southern California economy through the 1850s. The Gold Rush began in 1848, and with the influx of people seeking gold, cattle were no longer desired only for their hides, but also as a source of meat and other goods. During the 1850s cattle boom, *rancho vaqueros* drove large herds from southern to northern California to feed that region's burgeoning mining and commercial boom.

Like much of California, the Gold Rush had a major impact on Fresno County. Gold was discovered near Millerton in the foothills of the Sierra Nevada in 1850. Millerton was originally the center of settlement of the county, and it became the first county seat. The area's population increased and towns were established near supply posts along rivers and overland routes. Fresno County was organized in 1856, and the City of Fresno became the county seat in 1874.

Fresno County's agricultural potential was recognized when the otherwise arid land was transformed by early irrigation efforts. Two pioneers of irrigation in the county were Moses Church and A.Y. Easterby, who developed some of the area's first canals to supply water to their agricultural developments in 1876. As irrigation systems developed, a shift occurred in both the size of farms and the type of crops that were grown. With more readily available water, farmers were able to move away from wheat cultivation, which required vast amounts of land, toward the premium crops that could be grown on lots as small as 20 acres, such as grapes, citrus, and tree fruit. This progress fostered population growth, and new communities soon developed throughout Fresno County and the San Joaquin Valley.

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History of Clovis

Clovis was founded following the construction of a freight stop along the recently completed San Joaquin Valley Railroad in 1891. As the agricultural potential of Fresno County began to be realized in the late nineteenth century, a number of individuals rapidly developed the railway to transport the region's grain, cattle, and timber longer distances. In close proximity to agriculture and the nearby Sierras, the new stop had an ideal location and was named after local farmer Clovis M. Cole, who sold a large portion of his wheat ranch in support of the railway.

Another contributor to the growth of Clovis was the Fresno Flume and Irrigation Company. The company constructed the Shaver Log Flume that started at the Shaver Dam and traveled 42 miles into the valley to the present-day intersection of Fifth Street and Clovis Avenue. Here, the company constructed a 40-acre mill and finishing plant, which served as an impetus for the further development of Clovis as workers arrived to work at the plant.

A number of businesses, churches, and schools soon developed in response to the increasing population and, by 1895, the community had its first post office. Italian immigrants brought grape production to Clovis with the first vineyards in the region. Clovis incorporated in 1912 and grew modestly into the 20th century, with its economy continuing to rely primarily on agriculture. An unprecedented demand for canned food occurred with the onset of World War I, stimulating the local economy and growth in the City. As evidence of the City's changing status, Clovis High School was relocated to an ornate, Spanish-designed building in 1920.

Increased agricultural production required additional water, and the Central Valley Project (CVP) was undertaken in the early 1930s to provide irrigation and water management to the San Joaquin Valley. The CVP began as a New Deal project but was not completed until the early 1950s due to labor shortages caused by World War II. An original component of the project is the Friant-Kern Canal, which flows immediately northeast of Clovis. The City experienced a modest building boom in the years following World War II as a number of housing developments expanded away from the city center. Although residential growth has continued since that time, the City continues to maintain its small-town character.

Existing Cultural Research and Identified Cultural Resources

On September 21, 2012, SWCA Cultural Resources Specialist, Steven Treffers, requested a search of the California Historical Resources Information System (CHRIS) at the Southern San Joaquin Valley Information Center (SSJVIC) at California State University, Bakersfield. SWCA received the search results on October 9, 2012. The search included any previously recorded cultural resources and investigations within the 74.69-square-mile study area, with a review of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Points of Historical Interest list, the California Historical Landmarks list, the Archaeological Determinations of Eligibility list, and the California State Historic Resources Inventory (HRI). Prior cultural resources studies and previously recorded cultural resources were plotted on US Geological Survey topographic maps, which have been included in the Confidential Appendix A of the cultural resources study, along with a letter from the SSJVIC summarizing the results of the records search.

The SSJVIC records search revealed that 152 prior cultural resources studies have been conducted within the Plan Area. The majority of these encompass areas outside of the incorporated boundaries of the City. Both the northwest and southeast portions of the SOI have been extensively investigated within the last 10 years, largely as

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part of studies relating to the City of Clovis’s specific plans (FR-01797; FR-02289). Outside the City boundaries and SOI, the north and northeast portions of the unincorporated rural areas have also been extensively studied. Few cultural resource studies have been conducted within the incorporated boundaries of the City. Investigations have been largely limited to linear corridors for transportation-related projects, including the development of State Route 168 (SR-168) (FR-02234; FR-02235).

Recorded Cultural and Historic Resources

Table 5.5-1 provides a condensed listing of previously recorded cultural resources in the Plan Area identified by the CHRIS records search; refer to Appendix G for a more detailed summary. Of these, 25 are prehistoric archaeological sites, 4 are historic archaeological sites, 1 is a combined prehistoric/historic archaeological site, and 30 are historic buildings, structures, or objects (BSOs). The majority of the previously recorded cultural resources are located outside the incorporated boundaries of the City.

Of the 60 previously recorded cultural resources, 11 (10-001154; 10-00155; 10-001691; 10-004704; 10-004708; 10-005014; 10-0055635; 10-005801; 10-005837; 10-006109; and 10-006110) have been determined eligible for the NRHP and are also eligible for or listed in the CRHR. Many of the prehistoric and historic archaeological sites identified have not been evaluated for historic significance. Additionally, some historic buildings and properties were determined ineligible for the NRHP and were not evaluated for state or local significance.

Table 5.5-1 Previously Recorded Cultural Resources in the Plan Area

Primary No.	Trinomial	Resource Description	CRHR/NRHP Eligibility Status	Recorder and Year
10-001154	CA-FRE-1154	Prehistoric site: bedrock milling site	2S2	Dillon, B. 1984
10-001155	CA-FRE-1155	Prehistoric site: bedrock milling site	2S2	Dillon, B. 1984
10-001691	CA-FRE-1691	Prehistoric site: bedrock milling site	2S2	Indermill, R. & Planas, L. 1984
10-004704	—	Historic BSO: Friant-Kern Canal/Academy Avenue Bridge	3	Palmer, Lex, 2001
10-004708	—	Historic BSO: residence and barn	3	Palmer, Lex, 2001
10-005014	—	Historic BSO: Lofflin Residence	3S	Smith, E.K. and N.L. Pennington, 1996
10-005635	—	Historic BSO: Balfe Ranch	3S	Nettles, W., 2007
10-005801	—	Historic BSO: JFR-009; Friant-Kern Canal	2S2	Beason, Mark and Rebecca Flores, 1951
10-005837	—	Historic BSO: La Paloma Winery	3CS	Nettles, W., 2008
10-006109	—	Historic BSO: Cobb-Wheeler Residence	3S	Scott, Gloria, 1992
10-006110	—	Historic BSO: Truman Kahler Property	3S	Scott, Gloria, 1992

Notes:

2S2 = Individual property determined eligible for NRHP by a consensus through Section 106 process; listed in CRHR.

3 = Appears eligible for NRHP to person completing or reviewing form.

3S = Appears eligible for the NRHP as an individual property through survey evaluation.

3CS = Appears eligible for CRHR as an individual property through survey evaluation.

* HRI property number – no primary number associated with resource.

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Fresno County List of Historical Resources

The Fresno County Historical Landmarks and Records Commission also maintains a list of archaeological and historic sites, buildings, and structures found to be locally significant, listed on Table 5.5-2 and shown on Figure 5.5-1, *NRHP/CRHR Eligible and Locally Significant Historic Resources*. Note that Pollasky Railroad is not on the figure because it is outside of the Plan Area.

Table 5.5-2 City of Clovis Properties Listed in the Fresno County List of Historical Resources

County Site No.	Resource Name	Address or Location	Property Description
18	Fresno Copper Mine	4 miles northeast of Clovis near Old Stage Road	One of two copper mines in Fresno County, operating between 1870 and 1912
31	Pollasky Railroad	None listed	Rail line that ran from Fresno City to Friant and was later taken over by the Southern Pacific Railroad
110	The Hays Home	4735 North Temperance Avenue	Eastlake-style residence built in 1903
111	The Reyburn Home	4538 North DeWolf Avenue	Vernacular-style residence built in 1881
112	The Sharer Home	6177 East Shaw Avenue	Eastlake-style residence built in 1892
113	The Browne House	3354 East Behymer Avenue	Eastlake-style residence built in 1916
138	Ovid Ingmire Home	336 Pollasky Avenue	None provided
146	Old Clovis Courthouse	Southeast corner of 4 th Street and Pollasky Avenue	Courthouse that was constructed between 1912 and 1915 as the First National Bank of Clovis
157	Carnegie Library	325 Pollasky Avenue	Library that was constructed in 1914
178	Garfield School	3958 East Sheperd Avenue	School constructed in 1912, no longer extant
180	Old Clovis High School	901 5 th Street	Old high school, constructed in 1920
188	Academy Cemetery	Mendocino Road	One of the oldest cemeteries in Fresno County
192	Larson Residence and Cobb Fig Compound	8953 E. Tollhouse Road	Five pre-1946 structures
193	L.W. Gibson House	940 3 rd Street	Residence built in 1912

Historic Research

Review of Historical Maps

In addition to reviewing previously conducted studies and previously recorded site records as a part of the cultural resources study prepared by SWCA Environmental Consultants for the proposed project, SWCA examined the Plan Area on historical US Geological Survey topographic maps. By the early 1920s, the downtown area of Clovis was partially developed, with commercial and residential buildings clustered around the Southern Pacific Railroad tracks. Outside the City center, the area was still sparsely populated and appears to have been largely agricultural. The City grew modestly in the following 20 years and had not changed extensively by the end of World War II. Typical of post–World War II growth, substantial development occurred in and around the City by 1964, with a much denser City center and a number of housing tracts in place to the south and southwest. Aerial photographs show the City has continued to develop substantially since this time and that the previously agricultural surrounding areas are now primarily residential.

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Sacred Lands File Search and Initial Native American Coordination

Native American coordination was initiated for the proposed project on September 21, 2012. As part of the process of identifying cultural resources in or near the Plan Area, NAHC was contacted to request a review of the SLF. NAHC stated that Native American cultural resources were identified within 0.5 miles of the Plan Area, specifically in the Academy, Friant, and Round Mountain quadrangles. Additionally, NAHC noted the possibility for cultural resources to be unearthed during construction activities. A contact list of 16 Native American individuals or tribal organizations that may have knowledge of cultural resources in or near the Plan Area was also provided by NAHC. Letters were prepared and mailed to each of the NAHC-listed contacts on September 25, 2012, requesting information regarding any Native American cultural resources in or immediately adjacent to the Plan Area. Four responses were received:

- On October 2, 2012, David Alvarez of the Traditional Choinumni Tribe stated via email that cultural resources do exist in or near the Plan Area and requested that this information be noted in the General Plan Update.
- On October 9, 2012, SWCA spoke via telephone with Lawrence Bill of the Sierra Nevada Native American Coalition. Mr. Bill stated that there are culturally sensitive areas in the Plan Area and requested that he be notified if any Native American religious or cultural resources are identified during any future ground-disturbing activities.
- On October 9, 2012, SWCA spoke via telephone with John Davis of the Kings River Choinumni Farm Tribe. Mr. Davis requested that he be notified if any Native American religious or cultural resources are identified during any future ground-disturbing activities.
- On October 9, 2012, SWCA spoke via telephone with Stan Alec of the Kings River Choinumni Farm Tribe. Mr. Alec stated that the intersections of Alluvial and Clovis Avenues and North Academy and Herndon Avenues are culturally sensitive. He requested that he be notified if any Native American religious or cultural resources are identified in those areas.

Two follow-up phone calls were made to each of the remaining seven Native American contacts on October 9 and October 23, 2012. No additional responses have been received to date.

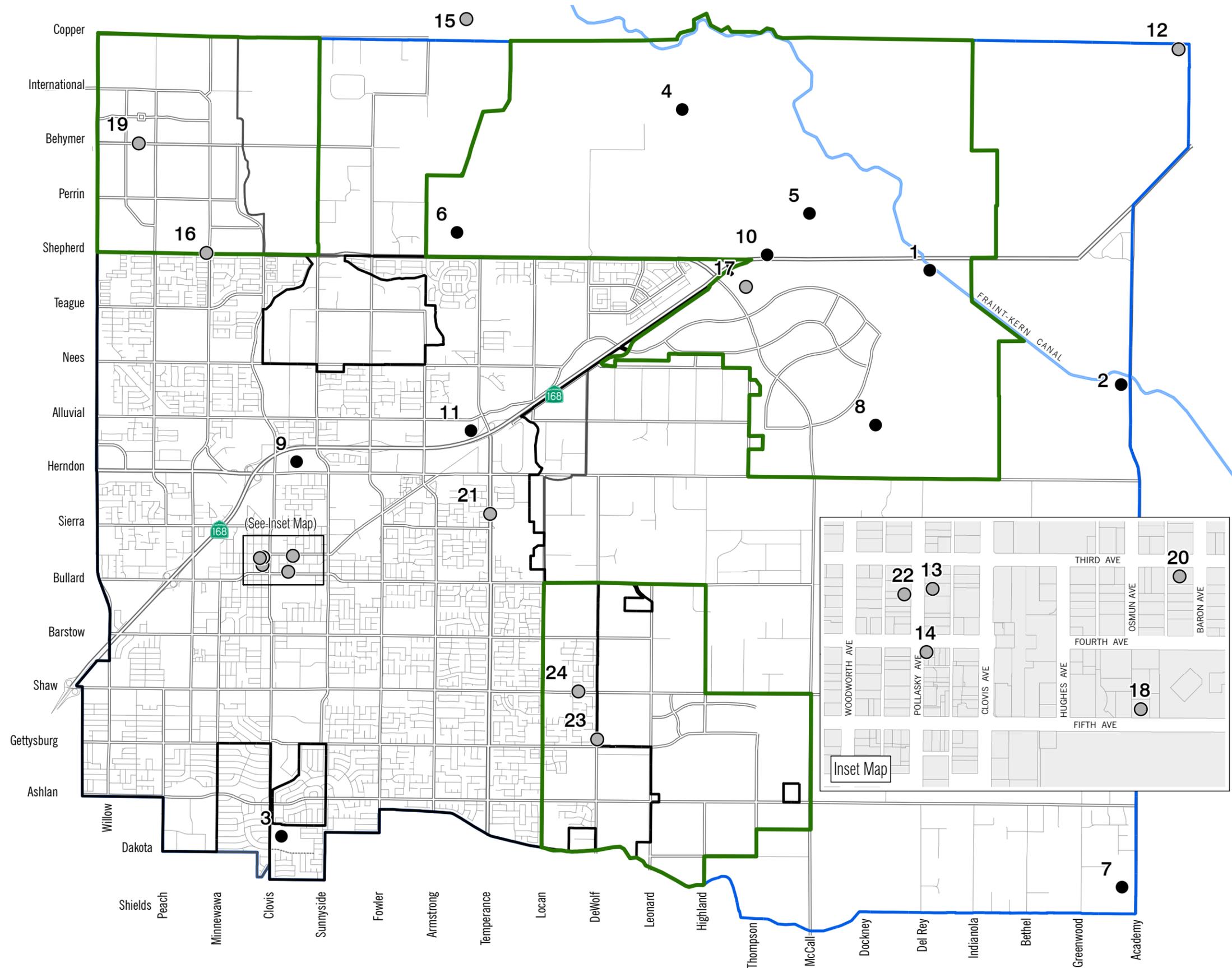
California Senate Bill 18 Coordination

To assist with formal government-to-government consultation with NAHC-listed bands or tribes pursuant to SB 18, SWCA also contacted NAHC on behalf of the City for a review of the SLF on September 26, 2012. NAHC provided a consultation list of tribal governments with traditional lands or cultural places within the Plan Area. This list was forwarded to the City, where all records of this consultation will be kept on file. A complete record of Native American coordination to date is provided in Table 4 of Appendix G.

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Figure 5.5-1

NRHP/CRHR Eligible and Locally Significant Historic Resources



NRHP/CRHR Eligible Sites

- 1. Fraint-Kern Canal
- 2. Fraint-Kern Canal/Academy Avenue Bridge
- 3. La Paloma Winery
- 4. Prehistoric Bedrock Milling Site
- 5. Prehistoric Bedrock Milling Site
- 6. Prehistoric Bedrock Milling Site
- 7. Residence and Barn
- 8. The Balfe Ranch
- 9. The Cobb-Wheeler Residence
- 10. The Loflin Residence
- 11. Truman Kahler Property

Locally Significant Sites

- 12. Academy Cemetery
- 13. Carnegie Library Building
- 14. First National Bank of Clovis/Clovis Historical Museum
- 15. Fresno Copper Mine
- 16. Garfield School
- 17. Larson Residence and Cobb Fig Compound
- 18. Old Clovis High School
- 19. The Browne House
- 20. The Gibson Home
- 21. The Hays Home
- 22. The Ovid Ingmire Home
- 23. The Reyburn Home
- 24. The Sharer Home

- Urban Center Boundary
- City Boundary
- Sphere of Influence Boundary
- Plan Area Boundary



CLOVIS
GENERAL PLAN

Environmental Impact Report



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5.5.2 Thresholds of Significance

CEQA Guidelines Section 15064.5 provides direction on determining significance of impacts to archaeological and historical resources. Generally, a resource shall be considered “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code Section 5024.1, Title 14 CCR, Section 4852), including the following:

- Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- Is associated the with lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Has yielded, or may be likely to yield, information important in prehistory or history.

The fact that a resource is not listed in or determined to be eligible for listing in the California Register of Historical Resources, or is not included in a local register of historical resources does not preclude a lead agency from determining that the resource may be a historical resource.

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- C-1 Cause a substantial adverse change in the significance of an historical resource pursuant to Section 15064.5.
- C-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- C-3 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- C-4 Disturb any human remains, including those interred outside of formal cemeteries.

5.5.3 Environmental Impacts

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.5-1: Development in accordance with the General Plan Update could impact up to 30 historic buildings, structures, or objects identified through previous cultural research studies and up to 12 additional historic resources identified and listed on the Fresno County List of Historic Resources. [Threshold C-1].

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Impact Analysis:

2035 Scenario

The 2035 scenario assumes development within the City and SOI area. According to SWCA's cultural resources study, 11 previously recorded cultural resources were found within the Plan Area. In addition, the Fresno County List of Historic Resources identifies locally significant historic resources in the City of Clovis (see Table 5.5-2 and Figure 5.5-1, *NRHP/CRHR Eligible and Locally Significant Historic Resources*). Development within the 2035 scenario could potentially impact these historic buildings and structures, particularly during infill and/or redevelopment of older areas of Clovis (e.g., Old Town Clovis) where there are a number of buildings and structures older than 50 years of age and eligible for the NRHP and/or listing in the CRHR. Therefore, it is probable that future development in the City's SOI could result in the identification of additional historic resources.

However, the Clovis General Plan Update includes policies related to preserving and maintaining Clovis' many historic resources. For example, Policy 2.9 refers to the Secretary of Interior Standards for Historic Rehabilitation in regards to preserving the City's historical sites and buildings of state or national significance. In addition, Policy 2.10 encourages property owners to maintain the historic integrity of sites through preservation, adaptive reuse, or memorialization. Policy 2.11 prioritizes the preservation of Old Town Clovis' historic character and resources, and Policy 2.12 supports public education efforts for residents and visitors about unique historic, natural, and cultural resources in Clovis. Nevertheless, future development or improvements related to changes in land use could potentially impact historic buildings and structures and cause adverse impacts to historic resources. Thus, impacts are potentially significant.

Full Buildout

Similar to the 2035 scenario, impacts to historic resources at full buildout could cause adverse impacts. Given that most of the development to occur at full buildout would be in the less developed SOI and Non-SOI Plan Area, potential impacts to historic resources may be even greater. As stated above, the majority of the previously recorded cultural resources were located outside of the City's existing boundaries. Therefore, impacts would be potentially significant.

Impact 5.5-2: Development in accordance with the General Plan Update could impact up to 25 prehistoric sites, four historic sites, and one combined prehistoric/historic resource site. [Threshold C-2].

Impact Analysis:

2035 Scenario

The CHRIS records search and SLF search results show that the Plan Area contains various archaeological resources (see Table 5.5-1). Additionally, the NAHC provided a contact list of 16 Native American individuals or tribal organizations that may have knowledge of cultural resources in or near the Plan Area, which also indicates that the Plan Area could be culturally sensitive. Though large portions of the rural areas beyond the City boundaries and the SOI were previously studied for past projects, future development or improvements related to changes in land use could potentially impact and cause significant adverse impacts to archaeological resources. Thus, impacts are potentially significant.

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Full Buildout

Given that development after the 2035 scenario would be primarily within the non-SOI Plan Area, which is mostly vacant, rural residential, or agriculture, new developments would require ground-disturbing excavation/grading and construction activities. Thus, similar to the 2035 scenario, impacts to archaeological resources at full buildout would be potentially significant.

Impact 5.5-3: Development in accordance with the General Plan Update could destroy paleontological resources or a unique geologic feature. [Threshold C-3].

Impact Analysis:

2035 Scenario

According to the 1993 General Plan EIR, the Plan Area is located on recent alluvium, Pleistocene river and possibly lake sediments, and pre-Cretaceous meta-sedimentary rocks. All of the formations are categorized as areas of low paleontological sensitivity, with the exception of the Pleistocene river formation, which is categorized as undetermined sensitivity. As stated above, the Pleistocene river sediment has the potential to contain significant nonrenewable paleontological resources. Three distinct sedimentary formations have been exposed in the Plan Area and have produced vertebrate fossils. Therefore, there is potential for additional paleontological resources to be in the Plan Area, especially in areas of undetermined significance where sedimentary formations are exposed. Buildout of the General Plan Update under the 2035 scenario would primarily be infill and redevelopment within the City and also farther out into the three urban centers. Since the three urban centers are less developed, there is more potential for discovery of paleontological resources during construction and ground-disturbing activities that consist of grading and/or excavation. In general, any development that requires excavation of undisturbed ground or to levels below current foundations has the potential to unearth unique paleontological resources. Thus, impacts are potentially significant.

Full Buildout

As stated above, development after the 2035 scenario would be primarily within the undisturbed, rural non-SOI Plan Area, which would require substantial ground-disturbing grading and construction activities that could uncover or destroy previously undiscovered paleontological resources. Therefore, similar to the 2035 scenario, impacts to paleontological resources at full buildout would be potentially significant.

Impact 5.5-4: Development in accordance with the General Plan Update could potentially disturb human remains. [Threshold C-4].

Impact Analysis:

2035 Scenario

Development in accordance with the proposed General Plan Update would include development of previously undisturbed areas and would, therefore, potentially disturb buried human remains. However, California Health

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CULTURAL RESOURCES

and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. Specifically, California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within a project site, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Although soil-disturbing activities associated with development in accordance with the proposed project could result in the discovery of human remains, compliance with existing law would ensure that impacts to human remains would not be significant.

Full Buildout

Similar to the 2035 scenario, impacts to undiscovered human remains at full buildout could occur. However, compliance with existing law would ensure no adverse impacts would occur to remains, and impacts would be less than significant.

5.5.4 Relevant General Plan Policies and Development Code Sections

The following are relevant policies of the proposed Clovis General Plan and Development Code Update that would reduce potential impacts on cultural resources from future development in the Plan Area.

General Plan

Open Space and Conservation Element

Goal 2: Natural, agricultural, and historic resources that are preserved and promoted as key features for civic pride and identity.

- **Policy 2.9 National and state historic resources** - Preserve historical sites and buildings of state or national significance in accordance with the Secretary of Interior Standards for Historic Rehabilitation.
- **Policy 2.10 Local historic resources** - Encourage property owners to maintain the historic integrity of the site by (listed in order of preference): preservation, adaptive reuse, or memorialization.
- **Policy 2.11 Old Town** - Prioritize the preservation of the historic character and resources of Old Town.
- **Policy 2.12 Public education** - Support public education efforts for residents and visitors about the unique historic, natural, and cultural resources in Clovis.

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5.5.5 Existing Regulations

- Senate Bill (SB) 18 (Native American consultation)
- California Historical Building Code (Title 24, Part 8)
- California Public Resources Code Sections 5020–5029.5; 5079–5079.65; 5097.9–5097.998; 5097.98
- California State Health and Safety Code, Section 7050.5

5.5.6 Level of Significance Before Mitigation

Without mitigation, the following impacts would be **potentially significant** for the 2035 Scenario and Full Buildout:

- **Impact 5.5-1** The proposed General Plan Update would allow development in areas that have historic resources as identified by previous cultural resource surveys and the Fresno County List of Historic Places. Development in these areas would, therefore, potentially cause the disturbance of historic resources in the Plan Area.
- **Impact 5.5-2** A survey of previous cultural resource reports for the Plan Area identified 25 prehistoric sites, four historic sites, and one combined prehistoric/historic resource site that could be disturbed by development in accordance with the proposed project.
- **Impact 5.5-3** The Plan Area potentially contains paleontological resources that could be disturbed due to ground disturbing construction and excavation for new developments in accordance with the proposed General Plan Update.

5.5.7 Mitigation Measures

Impact 5.5-1

2035 Scenario and Full Buildout

- 5-1 Prior to any construction activities of individual projects that may affect historic resources, a historic resources assessment shall be performed by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards requirements in architectural history or history. The assessment shall include a records search at the Southern San Joaquin Valley Information Center to determine if any resources that may potentially be affected by the project have been previously recorded, evaluated, and/or designated on the National Register of Historic Places or California Register of Historic Resources. Following the records search, the qualified architectural historian or historian will conduct a reconnaissance-level and/or intensive-level survey in accordance with the California Office of Historic Preservation guidelines to identify any previously unrecorded potential historic resources that may potentially be affected by the proposed project. If the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code Section 5024.1, Title 14

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CCR, Section 4852), mitigation shall be identified within the technical study that ensures the value of the historic resource is maintained.

- 5-2 To ensure that individual projects requiring the relocation, rehabilitation, or alteration of a historic resource do not impair its significance, the Interior's Standards for the Treatments of Historic Properties (Standards) shall be used. The application of the standards shall be overseen by a qualified architectural historian or historic architect meeting the Secretary of the Interior's Professional Qualifications Standards. Prior to any construction activities that may affect the historic resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City of Clovis.
- 5-3 If an individual project would result in the demolition or significant alteration of a historic resource, it cannot be mitigated to a less than significant level. However, recordation of the resource prior to construction activities will assist in reducing adverse impacts to the resource to the greatest extent possible (but not avoid a significant impact). Recordation shall take the form of Historic American Buildings Survey, Historic American Engineering Record, or Historic American Landscape Survey documentation, and shall be performed by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards. Documentation shall include an architectural and historical narrative; medium- or large-format black-and-white photographs, negatives, and prints; and supplementary information such as building plans and elevations and/or historic photographs. Documentation shall be reproduced on archival paper and placed in appropriate local, state, or federal institutions. The specific scope and details of documentation will be developed at the project level.

Impact 5.5-2

2035 Scenario and Full Buildout

- 5-4 City staff shall require applicants for grading permits in areas requiring grading of undisturbed soil to provide studies by qualified archaeologists assessing the cultural and historical significance of any known archaeological resources on or next to each respective development site, and assessing the sensitivity of sites for buried archaeological resources. On properties where resources are identified, or that are determined to be moderately to highly sensitive for buried archaeological resources, such studies shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a qualified cultural preservation expert. The mitigation plan shall include the following requirements:
- a. An archaeologist shall be retained for the project and will be on call during grading and other significant ground-disturbing activities.

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- b. Should any cultural/scientific resources be discovered, no further grading shall occur in the area of the discovery until the Planning Director concurs in writing that adequate provisions are in place to protect these resources.
- c. Unanticipated discoveries shall be evaluated for significance by a certified professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards. If significance criteria are met, then the project shall be required to perform data recovery, professional identification, radiocarbon dates as applicable, and other special studies; curate materials with a recognized scientific or educational repository; and provide a comprehensive final report including appropriate records for the California Department of Parks and Recreation (Building, Structure, and Object Record; Archaeological Site Record; or District Record, as applicable).

Impact 5.5-3

2035 Scenario and Full Buildout

- 5-5 City staff shall require applicants for grading permits in areas requiring grading of undisturbed soil to provide studies by qualified paleontologists assessing the sensitivity of sites for buried paleontological resources. On properties determined to be moderately to highly sensitive for paleontological resources, such studies shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a qualified paleontologist. The mitigation plan shall include the following requirements:
- a. A paleontologist shall be retained for the project and will be on call during grading and other significant ground-disturbing activities.
 - b. Should any potentially significant fossil resources be discovered, no further grading shall occur in the area of the discovery until the Planning Director concurs in writing that adequate provisions are in place to protect these resources.
 - c. Unanticipated discoveries shall be evaluated for significance by certified professional paleontologist that meets the Secretary of the Interior's Professional Qualifications Standards. If significance criteria are met, then the project shall be required to perform data recovery, professional identification, radiocarbon dates as applicable, and other special studies; curate materials with a recognized scientific or educational repository; and provide a comprehensive final report, including catalog with museum numbers.

5.5.8 Level of Significance After Mitigation

The mitigation measures identified above would reduce potential impacts to Impact 5.5-2 and 5.5-3 to a level that is less than significant for both 2035 Scenario and Full Buildout. However, impacts under Impact 5.5-1 would be significant and unavoidable for both 2035 Scenario and Full Buildout.

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5.5.9 References

SWCA Environmental Consultants. 2012 December. Cultural Resources Study in Support of the Clovis General Plan Update Environmental Impact Report, City of Clovis, Fresno County, California.